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PATENT
Attorney Docket No. JHU1170-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee and Cunningham
Serial No.: 09/813,459
Filed: March 20, 2001
Title: GROWTH DIFFERENTIATION FACTOR-10

Art Unit: 1647
Examiner: D.S. Romeo

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO SPECIES ELECTION REQUIREMENT

Sir:

Responsive to the Communication mailed April 7, 2003, in connection with the above-identified patent application, reconsideration of the application in view of the following remarks is respectfully requested.

It is stated in the Communication that the paper filed January 21, 2003, was not fully responsive, in that a species of antibody selected from "polyclonal antibodies" and "monoclonal antibodies" was not elected. Although Applicants traverse the rejection for the reasons set forth below, the species set forth as "polyclonal antibodies" is provisionally elected in order to be fully responsive to the Communication.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April 16, 2003, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.	
Carrie E. Casey (Name of Person Mailing Paper)	
(Signature)	April 16, 2003 (Date)

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The species election is traversed because there does not appear to be any basis provided for dividing the antibodies into such species, particularly since "polyclonal antibodies" merely comprise a population of different "monoclonal antibodies", and there does not appear to be any need for different searches to be performed. Further, polyclonal antibodies and monoclonal antibodies share a "commonality of operation, function and effect" (see MPEP § 806.04(e)) with respect to the claimed invention in that they each specifically binds to a GDF-10 polypeptide. As such, it is submitted that the requirement to elect a species of antibody selected from polyclonal antibodies and monoclonal antibodies is improper and, therefore, respectfully requested that this requirement be removed.

It is submitted that the claims are in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Please charge any additional fees, or make any credits, to Deposit Account
No. 50-1355.

Respectfully submitted,

Date: April 16, 2003



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